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May 9, 2003

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MAY - 9 2003

Federal Communications Commission
Office of Secretary

By Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002
Attn: Video Division

Re: Amendment of Section 73.622(b), DTV Table of Allotments
Station KVLY-DT, Fargo, North Dakota
Facility ID No. 61961

Dear Ms. Dortch:

Transmitted herewith on behalf of North Dakota Television License Sub, L.L.C., licensee of Station KVLY-DT, Fargo, North Dakota, are an original and four copies of an Amendment to Petition for Rulemaking seeking to amend Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations, by substituting DTV Channel 44 for DTV Channel 58, which has been assigned to KVLY-DT.

Please be advised that this amended petition is being filed in response to an informal request by the Commission's staff.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP
Attorneys for North Dakota Television
License Sub, L.L.C.

By: _____
Andrew S. Kersting

Enclosure
cc: Certificate of Service (w/ encl.) (by hand)

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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.622(b),	)	MM Docket No. _____
Table of Allotments,	)	RM-_____
Digital Television Broadcast Stations,	)	
(Fargo, North Dakota)	)	

To: Chief, Video Division

AMENDMENT TO PETITION FOR RULEMAKING

North Dakota Television License Sub, LLC ("NDTV"), licensee of Station KVLY-TV, NTSC Channel 11, Fargo, North Dakota, by counsel and pursuant to Section 1.401 of the Commission's rules, 47 C.F.R. §1.401, hereby amends its pending "Petition for Rulemaking" which seeks to amend Section 73.622(b) of the rules, the DTV Table of Allotments, to substitute DTV Channel 44 for the existing DTV Channel 58 allotment which has been assigned to KVLY-TV.

The purpose of this amendment is to modify NDTV's initial proposal by reducing the effective radiated power ("ERP") of the proposed Channel 44 DTV allotment in Fargo from 1,000 kW to 414 kW. As demonstrated in the attached engineering statement of Craig S. Turner, the proposed Channel 44 DTV facility at Fargo will operate with an antenna radiation center of 542.59 meters above average terrain and an ERP in the main lobe of 414.0 kW, which complies with Section 73.622(f)(8)(i) of the Commission's rules. Engineering Statement at 2. The reference coordinates for the proposed allotment remain unchanged (North Latitude: 47° 20' 32"; West Longitude: 97° 17" 20"). The reduced ERP will still enable KVLY-DT to provide

at least a 48 dBu contour to the entire community of Fargo in compliance with Section 73.625(a) of the rules. *Id.* Furthermore, the proposed Channel 44 allotment will not cause prohibited interference to any DTV, NTSC, or Class A station and therefore complies with the interference criteria contained in Section 73.623(c)(2) of the rules. *Id.* at Exhibits G through H-2.

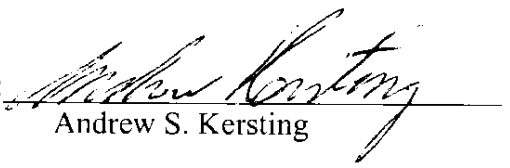
As stated in its Petition for Rulemaking, upon the allotment and assignment of DTV Channel 44 to KVLY-DT, NDTV will file an application for the modified DTV facility. Upon grant of a construction permit to operate on DTV Channel 44, NDTV will complete construction of KVLY-DT's digital facility and commence digital operations in a timely manner.

WHEREFORE, in light of the foregoing, North Dakota Television License Sub, LLC respectfully requests that the Commission expeditiously issue a Notice of Proposed Rule Making incorporating the proposal set forth in its Petition for Rulemaking, as amended, and, after receiving comments in response to the Notice, issue a Report and Order adopting the proposed amendment to Section 73.622(b) of the Commission's rules, the DTV Table of Allotments, and substitute DTV Channel 44 for the existing DTV Channel 58 allotment, which is currently assigned to KVLY-DT, Fargo, North Dakota.

Respectfully submitted,

Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, DC 20037-1526
(202) 785-9700

Attorneys for
NORTH DAKOTA TELEVISION LICENSE SUB, LLC

By: 
Andrew S. Kersting

May 9, 2003

Technical Broadcast Consultants Inc.

P.O. Box 97262

Raleigh, NC 27624

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EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of North Dakota Television License Sub, L.L.C. ("NDTV") licensee of Television Station KVLY, Fargo, North Dakota in support of its Petition for Rulemaking to substitute DTV channel 44 for DTV channel 58 in Fargo.

It has been determined that a significant financial burden will be placed on "NDTV" to utilize channel 58 for their DTV channel. These issues are related to the inability to utilize the existing transmission line that is currently installed on the KVLY-TV tower and the fact that adding new transmission line to the structure will require the structure to be reinforced at a tremendous expense to "NDTV". Utilization of DTV channel 44 would eliminate these issues in that the transmission line length required for channel 11 (NTSC channel) and 44 (proposed DTV channel) are the same physical length. Such is not the case for channel 11 and channel 58. Therefore, by utilizing DTV channel 44, the NTSC transmission for KVLY-TV and the DTV transmission for KVLY-DT can be combined on the same transmission line at significant cost savings to "NDTV". A detailed channel search reveals that DTV channel 44 can be used in Fargo from the present KVLY-TV site with specific, maximized operating parameters.

The proposed site is located at 47° 20' 32" North and 097° 17' 20" West. For the purpose of our interference studies, we assumed that a Dielectric omnidirectional

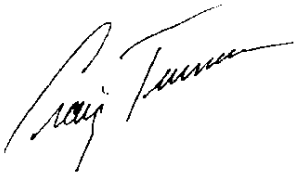
antenna with a 0.5° beam tilt would be side-mounted on the present KVLY-TV tower as shown in Exhibit B. The proposed effective height is 542.59 meters HAAT and the main lobe ERP is 414.0 Kw as specified in §73.622(f)(8)(i) of the FCC rules. Proposed operating parameters are listed in Exhibit C. Exhibit D provides the antenna radiation pattern data for the proposed antenna.

The predicted service contours are plotted in Exhibit E. As shown, the entire community of Fargo is contained within the proposed 48 dbμ contour, as required in §73.625(a) of the FCC rules. Exhibit F shows the predicted 41 dbμ service contour of KVLY-DT closely replicates the 56 dbμ contour of KVLY-TV. Exhibit G is an interference study, which concludes that the proposed facility meets the requirements of §73.623(c)(2) of the FCC rules with respect to both NTSC and DTV facilities. Interference studies were also conducted for the stations that were considered to receive interference from the proposed facility.

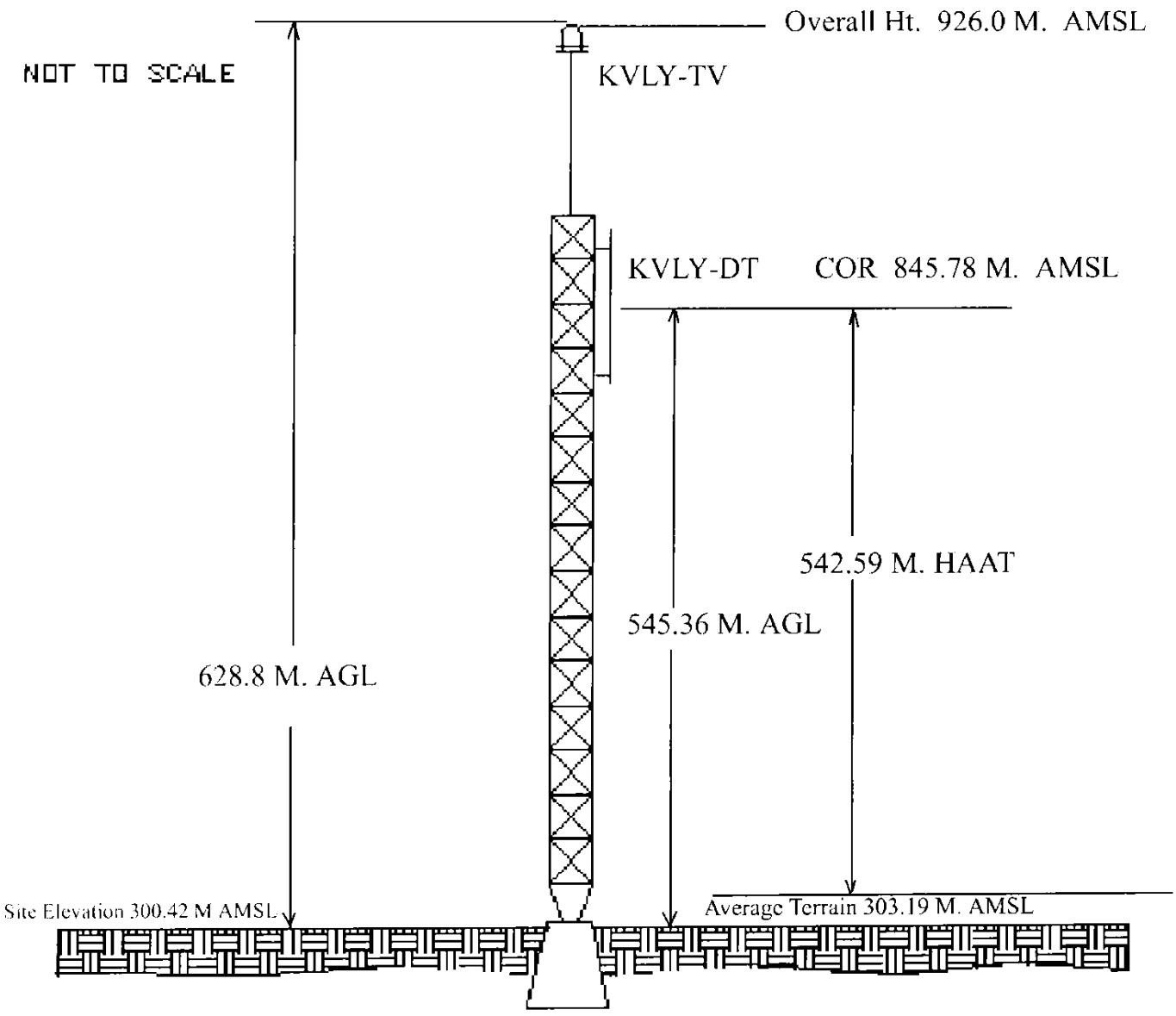
It is thus respectfully requested that the FCC substitute DTV channel 44 for DTV channel 58 in Fargo, North Dakota in its Digital Television table of Allotments in §73.622(b) of the FCC rules as follows:

Community	Present Allotments	Proposed Allotments
Fargo, North Dakota	19, 21, *23, 58	19,21,*23,44

I declare under penalty of perjury that the foregoing statements and the attached Exhibits, which were prepared by me or under my direct immediate supervision, are true and correct to the best of my knowledge and belief.



Craig S. Turner



Site Coordinates:
47° 20' 32" North
97° 17' 20" West

Antenna Structure Registration:
1046244

EXHIBIT B

ELEVATION OF ANTENNA STRUCTURE
PROPOSED KVLY-DT
CHANNEL 44 - FARGO, NORTH DAKOTA

Technical Broadcast Consultants, Inc.

Technical Broadcast Consultants Inc.

P.O. Box 97262

Raleigh, NC 27624

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EXHIBIT C

PROPOSED OPERATING PARAMETERS

PROPOSED KVLY-DT ALLOTMENT
CHANNEL 44- FARGO, NORTH DAKOTA

Channel Number:	44
Zone:	2
Site Coordinates:	47° 20' 32" North 97° 17' 20" West
Antenna Structure Registration #:	1046244
Tower Site Elevation AMSL:	300.42 meters
Overall Tower Height AGL:	628.8 meters
Overall Tower Height AMSL:	926.0 meters
Antenna Radiation Center AGL:	545.36 meters
Antenna Radiation Center AMSL:	845.78 meters
Average Terrain Elevation:	303.19 meters
Antenna Radiation Center HAAT:	542.59 meters
Antenna Make & Model:	Dielectric TFU-28DSC-R 03
Orientation:	Omnidirectional
Electrical Beam Tilt:	0.50°
Polarization:	Horizontal
Effective Radiated Power (main lobe):	414.0 Kw

Exhibit No.
D-1

Dielectric

Date	**12 Feb 2003**		
Call Letters	**KVLY-DT**	Channel	**44**
Location	**Fargo, ND**		
Customer			
Antenna Type	**TFU-28DSC-R O3**		

ELEVATION PATTERN

RMS Gain at Main Lobe	**24.0 (13.80 dB)**	Beam Tilt	**0.50 Degrees**
RMS Gain at Horizontal	**20.6 (13.14 dB)**	Frequency	**653.00 MHz**
Calculated / Measured	**Calculated**	Drawing #	**28Q240050-90**

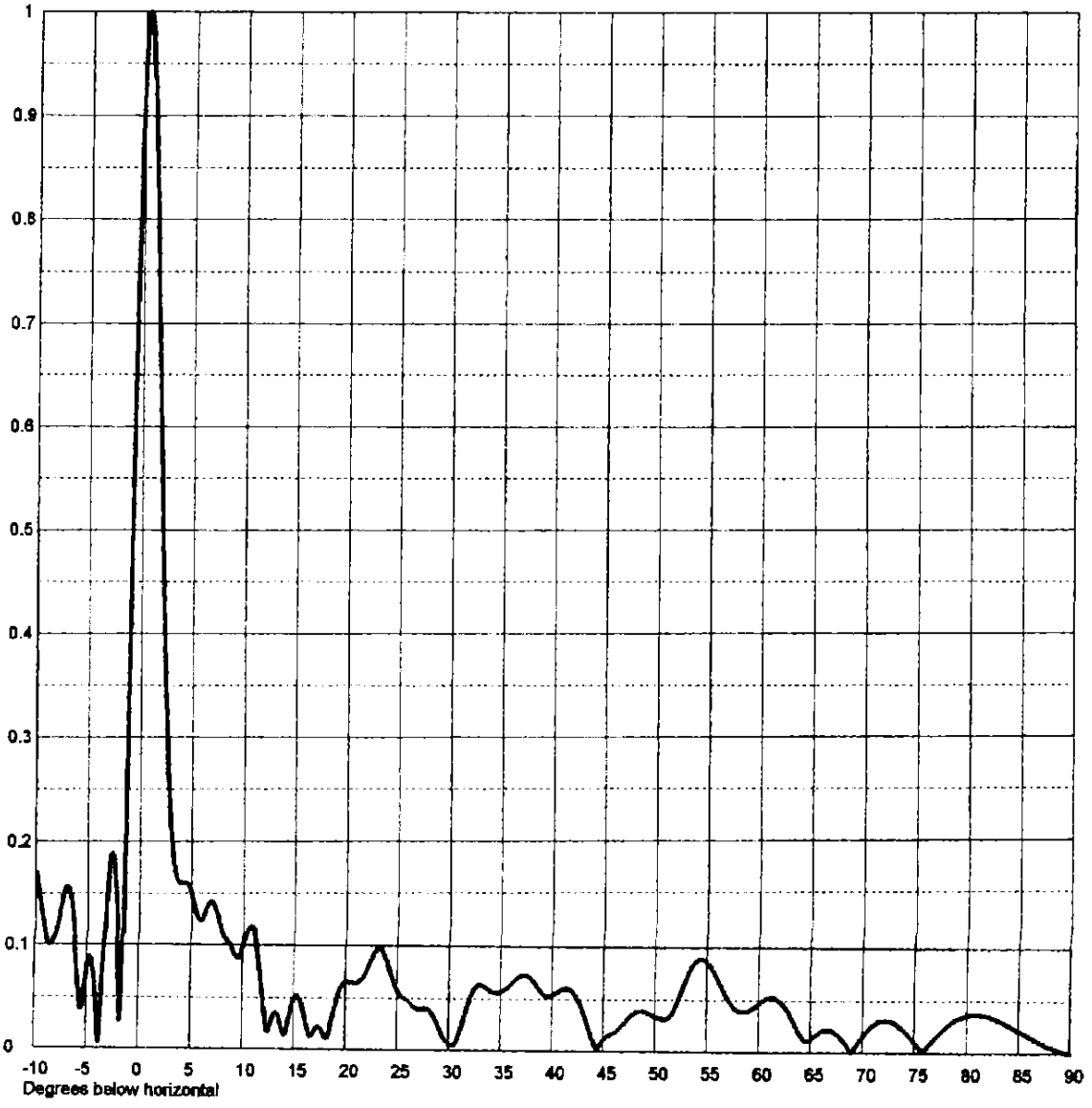


Exhibit No.
D-2

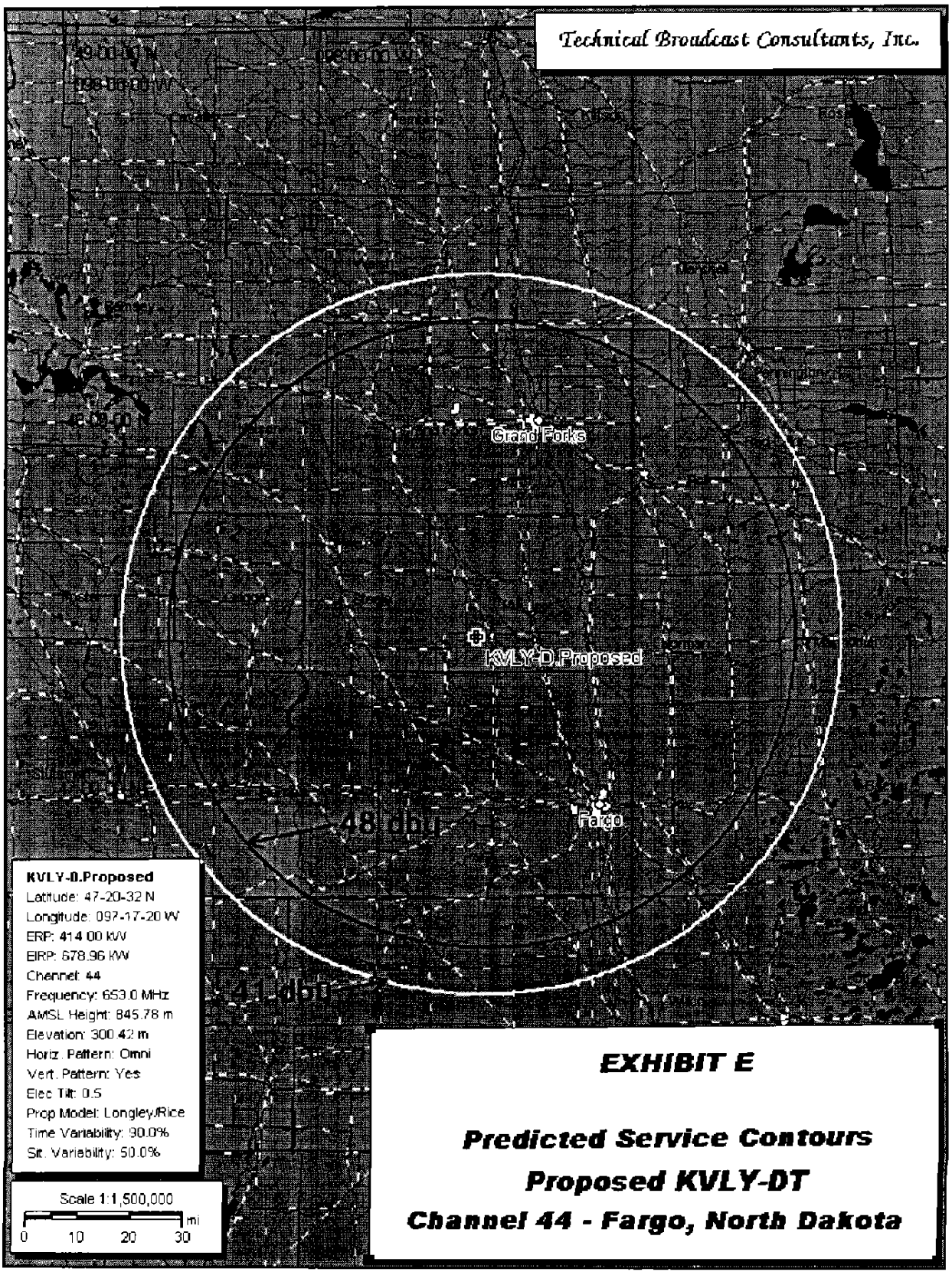
Dielectric

Date 12 Feb 2003
Call Letters KVLY-DT Channel 44
Location Fargo, ND
Customer
Antenna Type TFU-28DSC-R O3

TABULATION OF ELEVATION PATTERN

Elevation Pattern Drawing # 28Q240050-90

Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field
-10.0	0.177	2.4	0.355	10.6	0.117	30.5	0.005	51.0	0.031	71.5	0.030
-9.5	0.140	2.6	0.293	10.8	0.118	31.0	0.016	51.5	0.035	72.0	0.031
-9.0	0.110	2.8	0.245	11.0	0.116	31.5	0.032	52.0	0.044	72.5	0.031
-8.5	0.100	3.0	0.210	11.5	0.090	32.0	0.049	52.5	0.057	73.0	0.029
-8.0	0.114	3.2	0.187	12.0	0.047	32.5	0.060	53.0	0.070	73.5	0.026
-7.5	0.140	3.4	0.172	12.5	0.017	33.0	0.064	53.5	0.081	74.0	0.022
-7.0	0.157	3.6	0.164	13.0	0.033	33.5	0.062	54.0	0.088	74.5	0.016
-6.5	0.140	3.8	0.160	13.5	0.032	34.0	0.058	54.5	0.090	75.0	0.010
-6.0	0.086	4.0	0.159	14.0	0.015	34.5	0.056	55.0	0.087	75.5	0.004
-5.5	0.038	4.2	0.160	14.5	0.029	35.0	0.057	55.5	0.080	76.0	0.003
-5.0	0.076	4.4	0.160	15.0	0.049	35.5	0.060	56.0	0.071	76.5	0.009
-4.5	0.086	4.6	0.159	15.5	0.050	36.0	0.064	56.5	0.061	77.0	0.015
-4.0	0.032	4.8	0.156	16.0	0.034	36.5	0.069	57.0	0.051	77.5	0.020
-3.5	0.067	5.0	0.150	16.5	0.014	37.0	0.073	57.5	0.044	78.0	0.025
-3.0	0.161	5.2	0.142	17.0	0.019	37.5	0.073	58.0	0.040	78.5	0.029
-2.8	0.182	5.4	0.134	17.5	0.022	38.0	0.070	58.5	0.039	79.0	0.032
-2.6	0.189	5.6	0.127	18.0	0.012	38.5	0.063	59.0	0.040	79.5	0.034
-2.4	0.177	5.8	0.124	18.5	0.020	39.0	0.057	59.5	0.043	80.0	0.036
-2.2	0.146	6.0	0.125	19.0	0.043	39.5	0.053	60.0	0.046	80.5	0.037
-2.0	0.094	6.2	0.129	19.5	0.059	40.0	0.054	60.5	0.050	81.0	0.037
-1.8	0.027	6.4	0.135	20.0	0.065	40.5	0.057	61.0	0.052	81.5	0.036
-1.6	0.073	6.6	0.139	20.5	0.065	41.0	0.060	61.5	0.052	82.0	0.035
-1.4	0.178	6.8	0.142	21.0	0.064	41.5	0.060	62.0	0.049	82.5	0.034
-1.2	0.294	7.0	0.142	21.5	0.068	42.0	0.058	62.5	0.044	83.0	0.032
-1.0	0.417	7.2	0.138	22.0	0.076	42.5	0.050	63.0	0.036	83.5	0.030
-0.8	0.541	7.4	0.132	22.5	0.088	43.0	0.039	63.5	0.027	84.0	0.027
-0.6	0.658	7.6	0.125	23.0	0.096	43.5	0.025	64.0	0.018	84.5	0.025
-0.4	0.765	7.8	0.118	23.5	0.097	44.0	0.011	64.5	0.011	85.0	0.022
-0.2	0.856	8.0	0.112	24.0	0.087	44.5	0.004	65.0	0.012	85.5	0.019
0.0	0.927	8.2	0.108	24.5	0.071	45.0	0.011	65.5	0.017	86.0	0.016
0.2	0.975	8.4	0.106	25.0	0.058	45.5	0.015	66.0	0.021	86.5	0.013
0.4	0.998	8.6	0.103	25.5	0.051	46.0	0.018	66.5	0.022	87.0	0.011
0.6	0.996	8.8	0.100	26.0	0.048	46.5	0.022	67.0	0.022	87.5	0.008
0.8	0.970	9.0	0.097	26.5	0.043	47.0	0.027	67.5	0.018	88.0	0.006
1.0	0.923	9.2	0.093	27.0	0.040	47.5	0.033	68.0	0.013	88.5	0.004
1.2	0.858	9.4	0.090	27.5	0.040	48.0	0.037	68.5	0.007	89.0	0.002
1.4	0.779	9.6	0.089	28.0	0.040	48.5	0.039	69.0	0.001	89.5	0.001
1.6	0.692	9.8	0.091	28.5	0.034	49.0	0.038	69.5	0.008	90.0	0.000
1.8	0.601	10.0	0.097	29.0	0.023	49.5	0.037	70.0	0.015		
2.0	0.512	10.2	0.104	29.5	0.013	50.0	0.034	70.5	0.022		
2.2	0.429	10.4	0.111	30.0	0.007	50.5	0.032	71.0	0.026		


Technical Broadcast Consultants, Inc.
Grand Forks
KVLY-D.Proposed
Fargo
48 dbu
41 dbu
KVLY-D.Proposed
Latitude: 47-20-32 N
Longitude: 097-17-20 W
ERP: 414.00 kW
EIRP: 678.96 kW
Channel: 44
Frequency: 653.0 MHz
AMSL Height: 845.78 m
Elevation: 300.42 m
Horiz. Pattern: Omni
Vert. Pattern: Yes
Elec Tilt: 0.5
Prop Model: Longley/Rice
Time Variability: 90.0%
Sit. Variability: 50.0%
Scale 1:1,500,000
mi
0
10
20
30
EXHIBIT E
Predicted Service Contours
Proposed KVLY-DT
Channel 44 - Fargo, North Dakota

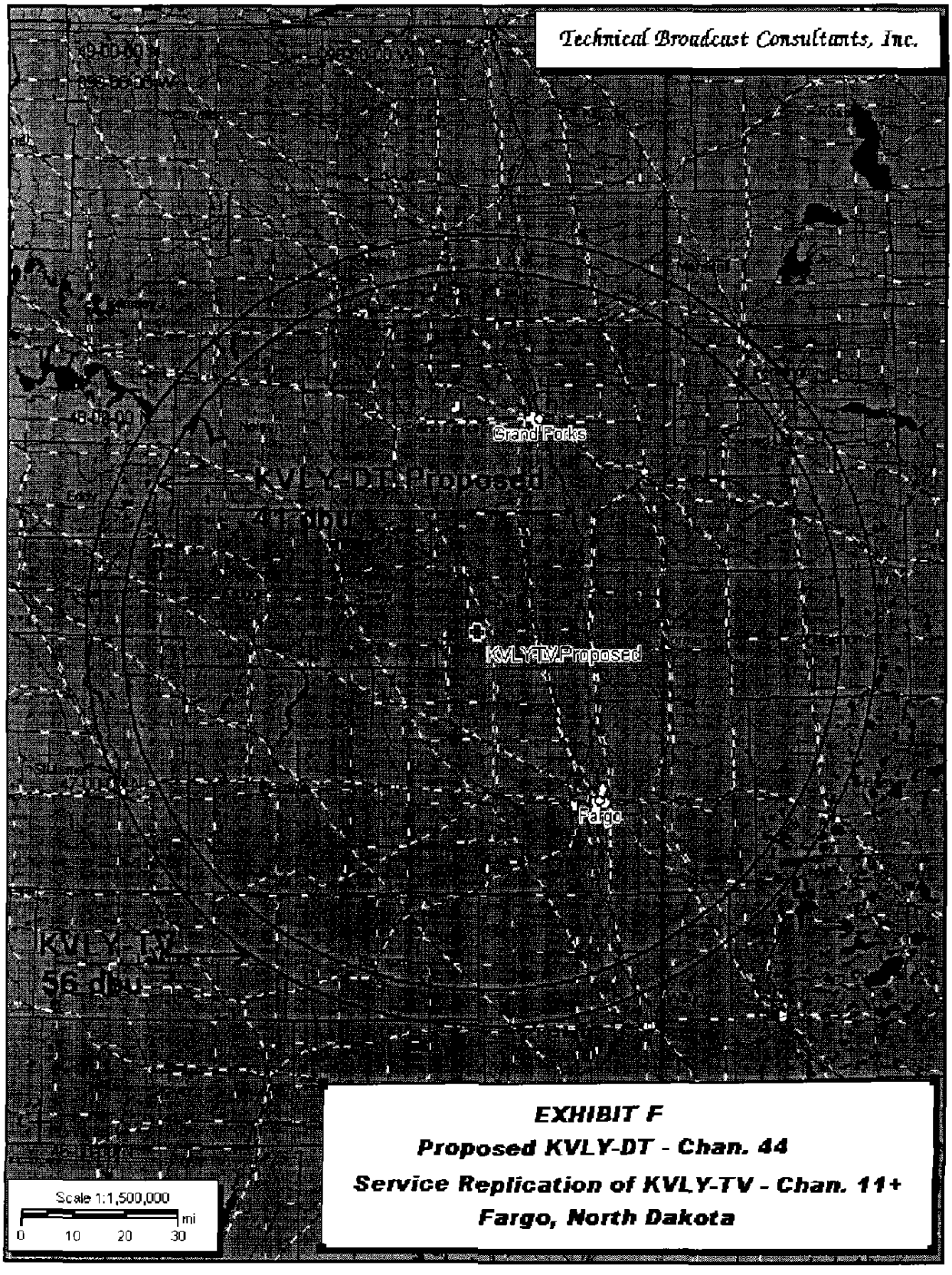

Technical Broadcast Consultants, Inc.
Grand Forks
KVLY-DT Proposed
41 dbu
KVLY-TV Proposed
Fargo
KVLY-TV
56 dbu
Scale 1:1,500,000
mi
0 10 20 30
EXHIBIT F
Proposed KVLY-DT - Chan. 44
Service Replication of KVLY-TV - Chan. 11+
Fargo, North Dakota

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EXHIBIT G

ALLOCATION AND INTERFERENCE STUDY

PROPOSED KVLY-DT ALLOTMENT

CHANNEL 44 - FARGO, NORTH DAKOTA

An interference study was conducted using the operating parameters of the facility described herein to determine if it meets the FCC's de minimis interference requirements of §73.623(c)(2) for the Commission's Rules. Specifically, the proposed facility may not cause more than two percent interference to the service population of a DTV or NTSC facility, nor can its interference contribution result in an excess of ten percent total DTV interference to the service population of any DTV or NTSC facility.

The service area of a DTV station is defined as that which is calculated using the Longley-Rice propagation model to receive a signal of 41 dbμ or greater and lies within the predicted 41 dbμ contour of the station using the (50,90) curves, the station's effective radiated power, and 2-10 mile terrain averages along each radial.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications 'Probe' computer program, which has been found generally to mimic the FCC's program. Our study utilizes a cell size of 1 kilometer, a spacing increment of 0.1 kilometer along each azimuth, and the 2000 U.S. Census. Changes in interference caused by the proposed allotment facility to other pertinent stations are tabulated in Exhibit H through H-2.

As indicated, the proposed KVLY-DT facility would not contribute more than two percent DTV interference to the service population of any affected NTSC or DTV station. In addition, this proposal does not result in any NTSC or DTV station receiving more than ten percent total DTV interference to viewers living within the station's authorized or proposed service area.

Therefore, this proposal meets the FCC's de minimis interference standards as defined in §73.623(c)(2) of the Commission's Rules.

EXHIBIT H

TV Incoming Interference Study

KVLY-D.Proposed (44) Fargo, ND
Signal Resolution: 1 km
Consider NTSC Taboo: Yes
KWX error points are considered to
be interference free coverage.
# of radials computed for contours: 72
Contours calculated using 8 radial HAAT.
LR Profile Spacing Increment: 0.1 km
Interference considered within the
reference station's noise limited contour.
Using NTSC lptv/translators D/U rules.
Threshold for reception: 41.00
Study Date: 5/7/2003
TV Database Date: 05-06-03
Population Database: 2000 US Census (SF1)
Percentages calculated using a baseline population of 324,554.

Stations considered which do not cause interference:
KSTC-D.C (44)
KSTC-D.S (44)
KSTC-D.S (44)
CICOTV (44Z)
KVBMTV-D (44)

Call Letters	City	State	Dist	Bear
KSTC-D.C (44)	Minneapolis	MN	408.2	126.8
KSTC-D.S (44)	Minneapolis-st. Pau	MN	408.2	126.8
KSTC-D.S (44)	Minneapolis-st. Pau	MN	408.2	126.8
CICOTV (44Z)	Kenora	ON	320.9	34.2
KVBMTV-D (44)	MINNEAPOLIS	MN	408.3	126.8

TV Incoming Interference Study

Totals for KVLY-D.Proposed (44)

Calculation Area Population:	324,983	(36668.8 sq. km)
Not Affected by Terrain Loss:	324,554	(36650.4 sq. km)
Total NTSC Interference:	0	(0.0 sq. km)
DTV Only Interference:	0	(0.0 sq. km)
Total DTV Interference:	0	(0.0 sq. km)
Interfered Population:	0	(0.0 sq. km)
Interference Free:	324,554	(36650.4 sq. km)
Percent Interference:	0.00	
Percent Total DTV Interference:	0.00	
Terrain Blocked Population:	429	(18.4 sq. km)
Contour Area Population:	325,101	

EXHIBIT H-1

TV Outgoing Interference Study

KVLY-D.Proposed (44) Fargo, ND
Signal Resolution: 1 km
Consider NTSC Taboo: Yes
KWX error points are considered to
be interference free coverage.
# of radials computed for contours: 72
Contours calculated using 8 radial HAAT.
LR Profile Spacing Increment: 0.1 km
Masked interference points are being counted
as interference free.
Using NTSC lptv/translators D/U rules.
Study Date: 5/7/2003
TV Database Date: 05-06-03
Population Database: 2000 US Census (SF1)

Stations Considered:

Call Letters	City	State	Dist	Bear
CICOTV (44Z)	Kenora	ON	320.9	34.2

Stations which receive interference:

Call Letters	H Units	Population	Area (sq. km)

Totals for KVLY-D.Proposed (44)
Total population to which interference is caused: 0
Total number of housing units to which interference is caused: 0

EXHIBIT H-2

TV Incoming Interference Study

CICOTV (44Z) Kenora, ON
Signal Resolution: 1 km
Consider NTSC Taboo: Yes
KWX error points are considered to
be interference free coverage.
# of radials computed for contours: 72
Contours calculated using 8 radial HAAT.
LR Profile Spacing Increment: 0.1 km
Interference considered within the
reference station's noise limited contour.
Using NTSC lptv/translators D/U rules.
Threshold for reception: 64.521
Study Date: 5/7/2003
TV Database Date: 05-06-03
Population Database: 2000 US Census (SF1)
Percentages calculated using a baseline population of 149.

Stations considered which do not cause interference:
KVLY-D.Proposed (44)

Call Letters	City	State	Dist	Bear
KVLY-D.Proposed (44)	Fargo	ND	320.9	216.1

Totals for CICOTV (44Z)

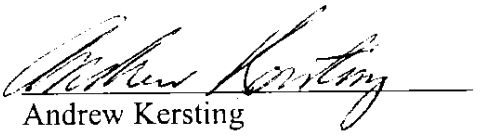
Calculation Area Population:	149	(6425.6 sq. km)
Not Affected by Terrain Loss:	149	(6032.0 sq. km)
Total NTSC Interference:	0	(0.0 sq. km)
DTV Only Interference:	0	(0.0 sq. km)
Total DTV Interference:	0	(0.0 sq. km)
Interfered Population:	0	(0.0 sq. km)
Interference Free:	149	(6032.0 sq. km)
Percent Interference:	0.00	
Percent Total DTV Interference:	0.00	
Terrain Blocked Population:	0	(393.7 sq. km)
Contour Area Population:	147	

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May, 2003, a copy of the foregoing "Amendment to Petition for Rulemaking" was hand delivered to the following:

Barbara Kreisman, Chief
Video Division
Media Bureau
Federal Communications Commission
The Portals II, Room 2-A666
445 Twelfth Street, S.W.
Washington, DC 20554

Nazifa Naim
Video Division
Media Bureau
Federal Communications Commission
The Portals II, Room 2-C834
445 Twelfth Street, S.W.
Washington, DC 20554



Andrew Kersting